Single Bench

(1) CF/1002 (6)

IN THE HIGH COURT OF JUDICATURE, AT-BILASPUR(C.G.)

WRIT PETITION (S) NO. 5992 OF 2006

PETITIONER :

1. Chinta Ram Sinha,
Aged about – 37 years
S/o Sonjit Sinha,
R/o Dhaurabhatha, Distt. - Raipur

2. Sheikh Rahmat,
Aged – 35 years,
S/o Sheikh Rasul,
R/o Bayron Bazar, Raipur (C. G.)

3. Ram Kishan Vaishnav,
Aged – 42 years,
S/o Late Keshav Das Vaishnav,
R/o Abhanpur, Distt. – Raipur (C. G.)

4. Babu Lal Manikpuri,
Aged – 49 years,
S/o Banshi Das Manikpuri,
R/o Lakhe Nagar, Gandhi Nagar, Raipur
District – Raipur (C. G.)

5. Nohar Singh Dewangan,
Aged – 40 years
S/o Santu Ram Dewangan,
R/o Village – Lumkasa, P. O. – Doma,
District – Durg (C. G.)

6. Shiv Kumar Thakur,
Aged – 36 years,
S/o Dhiraji Ram Thakur,
R/o Adarsh Colony, Kushalpur, Raipur
District – Raipur (C. G.)

7. Ganesh Devdas,
Aged – 40 years,
S/o Shiv Ram Devdas,
R/o New Purena, Raipur
District – Raipur (C. G.)

8. Ratnakar Sahu,
Aged – 42 years,
S/o Daitari Sahu,
R/o Village – Bargaon, P. O. – Ganekera,
Tahsil – Basna, Distt. – Mahasamund.

P.R. No. 6028/06
Presented by Shri V. Deepak Rao
dated 31/10/06

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OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA

9. Loknath Badhai,
Aged – 40 years,
S/o Kumar Badhai,
R/o Village - Boeirdeeh,
P. O. – Jagdishpur, Tahsil – Basna,
District – Mahasamund (C. G.)

10. Gendu Ram Yadav,
Aged – 36 years,
S/o Late Firu Ram Yadav,
R/o Dr. Ambedkar Nagar, Pacharipara, Raipur, District – Raipur (C. G.)

11. Chintamani Sahu,
Aged – 37 years,
S/o Tiju Ram Sahu,
R/o Lakhe Nagar, Raipur
District – Raipur (C. G.)

All the petitioners are working as Chainman, at O/o The Collector, Land Records, Raipur, C. G.

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
Through – The Secretary,
Department of Revenue,
D. K. S. Bhawan, Raipur

2. The Commissioner
Land Records, Chhattisgarh,
H. Q. – Raipur (C. G.)

3. The Collector,
Land Records, Raipur
District – Raipur (C. G.)

BATH COMMISSIONER
S.R. Kaushik

WRIT PETITION UNDER ARTICLE – 226 & 227 OF CONSTITUTION OF INDIA

(55)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5992 OF 2006

Petitioners : Chinta Ram Sinha and others

versus

Respondents : State of Chhattisgarh and others

Present : Mr. R.K.Kesharwani, counsel for the petitioners.
Mr. V.V.S.Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 6th of November, 2006)

Learned counsel appearing for the petitioners submits that the petitioners were appointed as daily rated employees on contingency fund 10 years back. It is admitted case of the petitioners that the appointment of the petitioners was not in accordance with the constitutional scheme of employment or under any rules inviting applications from all the eligible candidates.

2. The Supreme Court, while dealing with the matters of daily wagers, *ad hoc* employees, probationers, temporary or contractual employees, not appointed following the procedure laid down under Articles 14, 16 and 309 of the Constitution of India, held that such

(56)

appointments dehors the constitutional scheme amounts to back door entry in the matter of public employment.

3. The Constitutional Bench of the Supreme Court in *Secretary, State of Karnataka and others vs. Umadevi (3) and others*[1] has laid down clear enunciation of law which was followed later on in decisions by the Supreme Court in *Accounts Officer (A&I) A.P.SRTC and others vs. P. Chandra Sekhara Rao and others*[2] and in *Surinder Prasad Tiwari vs. U.P. Rajya Krishi Utpadan Mandi Parishad and others*[3].

4. For the reasons above-stated and as per the law laid down by the Supreme Court, the petitioners are not entitled to absorption/permanent status or regularization in the service.

5. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2006) 4 SCC 1
2 (2006) 7 SCC 488
3 (2006) 7 SCC 684

Gopal